

**REAL ESTATE BOARD
MINUTES OF MEETING**

May 10, 2007

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman
Nathaniel Brown (arrived at 9:38 AM)
Judith L. Childress
Marjorie Clark (departed at 1:00 PM)
Carol Clarke
Florence Daniels
Scott Gaeser
Miles Leon (arrived at 9:16 AM)
Byrl Taylor

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
David Ashe, Chief Deputy Director
Karen O'Neal, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Doug Schroder, Director of Adjudication
Bonnie Rhea Adams, Director of Complaint Analysis, &
Resolution
Liz Hayes, Fair Housing Administrator
Tom Perry, Property Registration Administrator
Earlyne Perkins, Legal Analyst
Chris Olson, Administrative Assistant

Tom Payne and Eric Gregory from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:12 AM.

Call to Order

Nancy Frantel addressed the Board concerning the updated Disclosure Form that will be required in 2008. No action was taken by the Board.

Public Comment Period

A motion was made by Ms. Clarke and seconded by Ms Daniels to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and

Agenda

Taylor.

Board Member Miles Leon arrived at 9:16 AM.

**Arrival of Board
Member**

A motion was made by Ms. Clark and seconded by Ms. Clark to adopt the following minutes: March 1, 2007, Informal Fact-Finding Conference; March 21, 2007, Informal Fact-Finding Conference (Recovery Fund); March 21, 2007, Informal Fact-Finding Conference (Disciplinary); March 21, 2007, RFP Committee Meeting; March 21, 2007, Education Committee Meeting; March 22, 2007, Board Meeting; March 28, 2007, Informal Fact-Finding Conference; March 28, 2007, Emergency Telephone Meeting; March 29, 2007, Informal Fact-Finding Conference; April 5, 2007, Informal Fact-Finding Conference; April 18, 2007, Informal Fact-Finding Conference; and April 26, 2007, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Minutes

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load and introduced Arthur Ryan as the new Fair Housing Field Investigator. No action was taken by the Board.

**Fair Housing
Administrators Report**

In the matter of **Thomas Calloway v. Joseph T. Samuels, Jr. and Joseph T. Samuels, Inc., REB File Number 2007-02288**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Thomas Calloway, the respondent, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Daniels, Gaeser, Leon, Oglesby, and Taylor. Due to a possible conflict of interest Ms. Clarke recused herself from voting in this matter.

**Thomas Calloway v.
Joseph T. Samuels, Jr.
and Joseph T. Samuels,
Inc., REB File Number
2007-02288**

In the matter of **Clark C. Jackson v. Joseph T. Samuels, Jr. and Joseph T. Samuels, Inc., REB File Number 2007-02470**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Clark Jackson, the respondent, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Daniels, Gaeser, Leon, Oglesby, and

**Clark C. Jackson v.
Joseph T. Samuels, Jr.
and Joseph T. Samuels,
Inc., REB File Number
2007-02470**

Taylor. Due to a possible conflict of interest Ms. Clarke recused herself from voting in this matter.

In the matter of **Carolyn Westbrook v. Mary Daily and Richard Johnson, REB File Number 2006-03767**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Leon and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Carolyn Westbrook v.
Mary Daily and Richard
Johnson, REB File
Number 2006-03767**

In the matter of **Roberta and Stephen Guajardo v. United Property Associates, Bernie Grablowsky and Benna Thomas, REB File Number 2006-04799**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor. Mr. Gaeser abstained from voting in the matter.

**Roberta and Stephen
Guajardo v. United
Property Associates,
Bernie Grablowsky and
Benna Thomas, REB
File Number 2006-04799**

In the matter of **Maria Scolaro v. Shannan Wheeler, John Grady, III, and Grady Management, Inc., REB File Number 2007-02422**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Leon and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Maria Scolaro v.
Shannan Wheeler, John
Grady, III, and Grady
Management, Inc., REB
File Number 2007-02422**

In the matter of **Paul and Margaret Aaron v. Bonnie Chenault, Gary Youngling, and Hometown Realty Services, Inc., REB File Number 2007-01620**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Paul and Margaret
Aaron v. Bonnie
Chenault, Gary
Youngling, and
Hometown Realty
Services, Inc., REB File
Number 2007-01620**

In the matter of **Maria Scolaro v. Shannan Wheeler, John Grady, III, and Grady Management, Inc., REB File Number 2007-02422**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Diana Krecl v. Carolyn Griffin and Philip Griffin, REB File Number 2007-00880**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Victor Noel v. Liz Moore & Associates, Jeffrey Benedict and Elizabeth Moore, REB File Number 2007-01507**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

The Board considered the matter of **Patricia Sprouse v. Mona Watkins, Georgenne Cox, Stephanie Brown, Bernie J. Grablowsky, and United Property Associates, Inc., REB File Number: 2007-003844**. A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor. Mr. Gaeser recused himself from voting in the matter.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to approve the Fair Housing minutes of march 22, 2007. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Board Member Nathaniel Brown arrived at 9:38 AM.

Carlos Cato v. Bonnie Chenault, Gary Youngling, and Hometown Realty Services, Inc., REB File Number 2007-01619

Diana Krecl v. Carolyn Griffin and Philip Griffin, REB File Number 2007-00880

Victor Noel v. Liz Moore & Associates, Jeffrey Benedict and Elizabeth Moore, REB File Number 2007-01507

Conciliation Agreement

Fair Housing Minutes

Arrival of Board Member

Rick Mendelson, Court appointed Monitor, and Jeff Barsky, Court appointed Forensic CPA, updated the Board on the monitoring of Koger Management Group

Receivership Update

At 10:18 AM. Ms. Clark made a motion which was seconded by Ms. Clarke, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, David Ashe, Karen O'Neal, Mary Broz, Christine Martine, Rick Mendelson, and Jeff Barsky

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

34. KMG Receivership matter

At 11:12 AM., a motion was made by Mr. Gaeser and seconded by Ms. Clarke that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 9-0

AYES Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None

The Board recessed from 11:15 AM to 11:25 AM.

A motion was made by Ms. Clarke and seconded by Ms. Clark to authorize the Office of the Attorney General to pursue Koger's compliance with the Court ordered agreement and take whatever forceful legal action necessary. The Office of the Attorney General will report back to the Board within thirty (30) days. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04043 William Wilson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Wilson, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wilson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

In the matter of **File Number 2007-02476, Karen Moorefield**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Moorefield, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Moorefield's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor. Member voting "No" was Brown.

Break

Receivership Update

File Number 2007-04043
William Wilson

Transfer of Chair

File Number 2007-
02476, Karen
Moorefield

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

In the matter of **File Number 2007-03654, Latoya Pryor**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Pryor, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Pryor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-03789, Vernon Broady**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Broady, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Broady's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-03797, Yvonne Proctor**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Proctor, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Proctor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser,

Transfer of Chair

File Number 2007-03654, Latoya Pryor

File Number 2007-03789, Vernon Broady

File Number 2007-03797, Yvonne Proctor

Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-03227, James Richman**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Richman, the applicant, was present and addressed the Board. A motion was made by Mr. Leon and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Richman's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03227, James Richman

In the matter of **File Number 2007-03225, Gregory Eweka**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Eweka, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Eweka's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03225, Gregory Eweka

In the matter of **File Number 2007-03721, Darryl Garrett**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Garrett, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Garrett's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03721, Darryl Garrett

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2004-02553, Joseph Clark Reger**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2004-02553, Joseph Clark Reger

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2004-02552, Robert Northern**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Robert Northern, the respondent, and Lem Marshall, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a

File Number 2004-02552, Robert Northern

violation of 18 VAC 135-20-260.10 of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, and Taylor. Members voting "No" were Gaeser and Leon.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a monetary penalty of \$1,000.00 and probation of Mr. Northern's license until he provides evidence acceptable to the Board that he has attended and successfully completed eight hours of continuing education, which is to include four hours pertaining to agency relationships and four hours pertaining to the Board's rules and regulations and instead impose a monetary penalty of \$400.00 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

Mr. Marshall addressed the Board concerning possible staff misconduct in handling this case. Mr. Gregory, Assistant Attorney General, reviewed the matter and does not believe any evidence to support misconduct by staff in handling this case.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-02207, Peter B. Crouch**, the Board reviewed the Consent Order as seen and agreed to by Mr. Crouch. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the proposed Consent Order wherein Mr. Crouch admits to a violation of 18 VAC 135-20-330 of the Board's 2004 Regulations and agrees to a monetary penalty of \$250.00 for the violation as well as \$150.00 in Board costs for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2007-02207, Peter B. Crouch

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-02014, Virginia Real Estate Transaction Recovery Act Claim of David and Dana Sparrow (Claimants) and Tiffany Ann Paterson t/a American Star Realtors, LLC (Regulant)** the Board reviewed the record, which consisted of the Recovery Act Claim, transcript, exhibits from the IFF, and the presiding board member's summary. A motion was made by Ms. Daniels and seconded by Ms. Childress to pay the claim in the amount of \$20,000 for the unsatisfied judgment. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2007-00544, John A. Sears**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sears. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Sears admits to a violation of 18 VAC 135-20-260.1 (Count 1), 18 VAC 135-20-260.5 (Count 2), and 18 VAC 135-20-260.6 (Count 3) of the Board's 2004 Regulations and §54.1-2106.1.A (Count 4) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, \$750.00 for the violation contained in Count 3, and \$500.00 for the violation contained in Count 4 as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for the violation contained in Count 1, Mr. Sears agrees to revocation of his broker's license with the simultaneous issuance of a salesperson's license effective the date of acceptance of this order by the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-03655, Scott Reichle**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Reichle's application for a real estate broker's license due to

File Number 2007-02014, David and Dana Sparrow (Claimants) and Tiffany Ann Paterson t/a American Star Realtors, LLC (Regulant)

File Number 2007-00544, John A. Sears

File Number 2007-03655, Scott Reichle

the fact that based on Mr. Reichle's description of his experience he has not met the requirement for a broker's license. The Board noted Mr. Reichle's impressive educational background but determined that he does not meet the requirement of being actively engaged in real estate activities for 36 of the last 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

The Board recessed from 12:30 PM to 1:00 PM.

Board Member Marjorie Clark departed at 1:00 PM

In the matter of **File Number 2006-00410, Israel Rosa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rosa. A motion was made by Mr. Leon and seconded by Ms. Taylor to accept the proposed Consent Order wherein Mr. Rosa admits to a violation of 18 VAC 135-20-260.10 (Count 1), 18 VAC 135-20-260.11 (Count 2), and 18 VAC 135-20-180.B.1.a (Count 3) of the Board's 2004 Regulations and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and \$1,000.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$4,650.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby, and Taylor.

As the reviewing Board member, Ms. Daniels did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-03117, Israel Rosa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rosa. A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Rosa admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) and 18 VAC 135-20-260.10 (Count 2) of the Board's 2004 Regulations and agrees to \$150.00 in Board costs. In addition, for the violations contained in

Transfer of Chair

Break

Departure of Board Member

File Number 2006-00410, Israel Rosa

File Number 2006-03117, Israel Rosa

Counts 1 and 2, Mr. Rosa agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby, and Taylor.

As the reviewing Board member, Ms. Daniels did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-01171, Ronil Enrique Rosa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rosa. A motion was made by Mr. Leon and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Rosa admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) and 18 VAC 135-20-300.4 (Count 2) of the Board's 2004 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1 and \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,650.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-01171, Ronil Enrique Rosa

In the matter of **File Number 2007-02147, Ronil Enrique Rosa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rosa. A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Rosa admits to a violation of 18 VAC 135-20-260.1 (Count 1), 18 VAC 135-20-260.5 (Count 2), and 18 VAC 135-20-260.6 (Count 3) of the Board's 2004 Regulations and agrees to \$150.00 in Board costs. In addition, for the violations contained in Counts 1, 2, and 3, Mr. Rosa agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, and Oglesby.

File Number 2007-02147, Ronil Enrique Rosa

As the reviewing Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-01842, Pamela A. Nonemaker**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and

File Number 2006-01842, Pamela A. Nonemaker

Oglesby.

A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$100.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-03094, Nadeem Pasha Malik**, the Board reviewed the Consent Order as seen and agreed to by Mr. Malik. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Malik admits to a violation of 18 VAC 135-20-210.A of the Board's 2004 Regulations and agrees to a monetary penalty of \$100.00 as well as \$350.00 in Board costs for a total of \$450.00. It is clear from the evidence that the complainant new Mr. Malik was a licensee. The only issue is that Mr. Malik failed to document his status in writing. Due to the unique procedural history of this case, an adjustment to the Board costs was made. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, and Oglesby.

File Number 2006-03094, Nadeem Pasha Malik

As the reviewing Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-02153, David P. Michalski**, the Board reviewed the Consent Order as seen and agreed to by Mr. Michalski. A motion was made by Ms. Daniels and seconded by Ms. Childress to reject the proposed Consent Order wherein Mr. Michalski admits to a violation of 18 VAC 135-20-260.10 of the Board's 2004 Regulations and agrees to a monetary penalty of \$2,500.00 as well as \$150.00 in Board costs for a total of \$2,650.00 and instead re-offer a Consent Order wherein Mr. Michalski admits to a violation of 18 VAC 135-20-260.10 of the Board's 2004 Regulations and agrees to a monetary penalty of \$2,500.00 for the violation as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, Mr. Michalski agrees to complete eight (8) hours of continuing education pertaining to Broker Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above-referenced

File Number 2007-02153, David P. Michalski

continuing education courses will not count towards any continuing education requirements, if applicable, for renewal of license. If Mr. Michalski does not accept the Consent Order within fourteen (14) days the matter will be referred to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Oglesby, and Taylor.

As the reviewing Board member, Mr. Leon did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-00136, John Gregory Holmes**, the Board reviewed the Consent Order as seen and agreed to by Mr. Holmes. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Holmes admits to a violation of §54.1-2132.A.4 of the *Code of Virginia* and agrees to a monetary penalty of \$300.00 for the violation as well as \$150.00 in Board costs for a total of \$450.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00136, John Gregory Holmes

In the matter of **File Number 2007-00892, Maris Vernon Kerns, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kerns. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Kerns admits to a violation of 18 VAC 135-20-310.2 of the Board's 2004 Regulations and agrees to a monetary penalty of \$350.00 for the violation as well as \$150.00 in Board costs for a total of \$450.00. In addition, for the violation, Mr. Kerns agrees to complete two (2) hours of continuing education pertaining to Legal Updates and Law approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above-referenced continuing education course will not count towards any continuing education requirements, if applicable, for renewal of licesne. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-00892, Maris Vernon Kerns, III

In the matter of **File Number 2007-03741, Danard Grays**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference

File Number 2007-03741, Danard Grays

and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Grays' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-03855, Catherine Jones**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Jones' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03855, Catherine Jones

In the matter of **File Number 2007-03365, Gary Carpenter**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Carpenter's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03365, Gary Carpenter

In the matter of **File Number 2007-03226, Jason Tibesar**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Tibesar's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

File Number 2007-03226, Jason Tibesar

Christine Martine discussed the required updates to the Disclosure and Disclaimer forms created by the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the Military Air Installation Disclosure form as amended and to accept the Disclosure and Disclaimer forms as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Updated Disclosure and
Disclaimer Forms**

Tom Perry discussed the required changes to the Association Disclosure form. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the Association Disclosure form as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Association Disclosure
Form**

Tom Perry updated the Board on the status of the Common Interest Community Management Information Fund (CICMIF) grants. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the CICMIF awards as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Other Business

Ms. Childress gave the Education Committee Report. A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the May 9, 2007, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Education Committee
Report**

Mr. Oglesby requested that a guidance document be created to clarify what "Financial Responsibility" is. No action was taken by the Board.

At 2:05 PM. Ms. Taylor made a motion which was seconded by Mr. Leon, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and David Ashe

Closed Meeting

This motion is made with respect to the matter(s) identified as agenda item(s):

VIII. Old Business

- **REB v. Motley's Auctions, Inc. an Mark T. Motley, File Number 2006-01833**

At 2:20 PM., a motion was made by Mr. Leon and seconded by Mr. Gaeser that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 8-0

AYES Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: Clark

ABSENT DURING THE MEETING: None

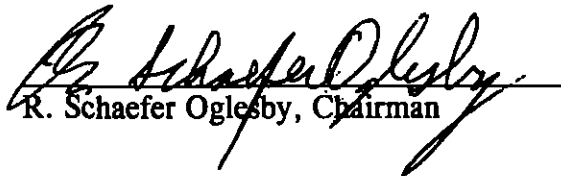
Ms. Childress gave a report on the 2007 ARELLO Mid-Year Conference held in Banff, Alberta, Canada. No action was taken by the Board.

Other Business

The Board discussed using former Board members to serve as presiding officers at Informal Fact-Finding Conferences. The Board agreed without dissent to defer making a decision about using former Board members until the next scheduled Board meeting.

There being no further business, the Board adjourned at 3:05 PM.

Adjourn


R. Schaefer Oglesby, Chairman


Jay DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT


1. Name: Scott Gaeser
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Miles B. Leon
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

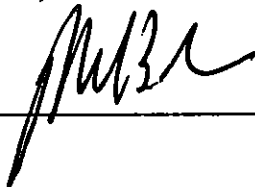
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: _____



**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
2. Title: ~~Vice Chairman~~ – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: Florence Daniels

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Carol F. Clarke
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Fair Housing Cases
#7 & #8 on agenda 5/10/07
6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: I know the parties involved
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: Carol F. Clarke

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Byrl Phillips Taylor
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Nathaniel Brown
2. Title: Member – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

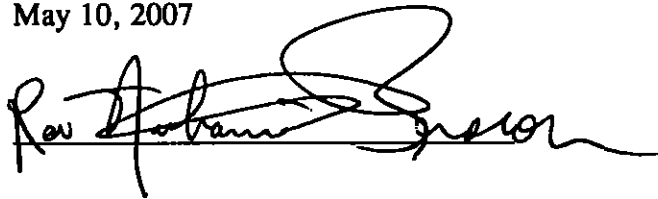
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature:

A handwritten signature in black ink, appearing to read "Rev. Nathaniel Brown", written over a horizontal line.

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Judith L. Childress
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

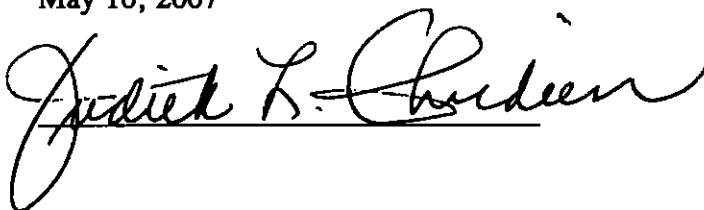
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: _____




**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
2. Title: Chairman – Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b)  I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Marjorie Clark
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none
6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: none
 - (b) ☒ I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 10, 2007

Signature: Marjorie M. Clark